



Atty D cket: VASC 1020-2 US

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being sent via
First Class Mail to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
On 22 January 2004.

Signed: Paula Faulk Hurley

Paula Faulk Hurley

AMENDMENT UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3700

RECEIVED

JAN 30 2004

TECHNOLOGY CENTER R3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|---|---|
| In re Application Inventor: Bruce J Barclay, et al. SC/Serial No.: 09/910,703 Confirm. No.: 2083 Filed: 20 July 2001 Title: Biologically Active Agent Delivery Apparatus and Method | Group Art Unit: 3738 Examiner: Pellegrino, Brian B. <u>Customer No. 22470</u> |
|---|---|

AMENDMENT AFTER FINAL (second)

UNDER 37 CFR § 1.116 -- EXPEDITED PROCEDURE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the second Final Office Action mailed 22 August 2003, please amend this application as follows.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper. This listing of the claims will replace all prior versions, and listings, of the claims in this application.

REMARKS begin on page 6 of this paper.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

Complete if Known

Application Number 09/910,703

Filing Date 07/20/2001

First Named Inventor Katherine Klumb

Examiner Name Brian B. Pellegrino

Art Unit 3738

Attorney Docket No. VASC 1020-2

RECEIVED

JAN 30 2004

TECHNOLOGY CENTER R3700

TOTAL AMOUNT OF PAYMENT (\$) 595

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number

50-0869

Deposit
Account
Name

Haynes Beffel & Wolfeld LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 770 | 2001 | 385 | Utility filing fee | |
| 1002 | 340 | 2002 | 170 | Design filing fee | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | |
| 1004 | 770 | 2004 | 385 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fees from below | Fee Paid |
|--------------------|--------------|-----------------|----------|
| -20 = | | | |
| Independent Claims | -3 = | | |
| Multiple Dependent | | | |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 |
| 1203 | 290 | 2203 | 145 | Multiple dependent claim, if not paid |
| 1204 | 86 | 2204 | 43 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | Fee Code | Fee (\$) | Small Entity | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|--------------|----------|----------|--------------|----------|----------|--|----------|
| | 1051 | 130 | | 2051 | 65 | Surcharge - late filing fee or oath | |
| | 1052 | 50 | | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet. | |
| | 1053 | 130 | | 1053 | 130 | Non-English specification | |
| | 1812 | 2,520 | | 1812 | 2,520 | For filing a request for reexamination | |
| | 1804 | 920* | | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| | 1805 | 1,840* | | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| | 1251 | 110 | | 2251 | 55 | Extension for reply within first month | |
| | 1252 | 420 | | 2252 | 210 | Extension for reply within second month | 210 |
| | 1253 | 950 | | 2253 | 475 | Extension for reply within third month | |
| | 1254 | 1,480 | | 2254 | 740 | Extension for reply within fourth month | |
| | 1255 | 2,010 | | 2255 | 1,005 | Extension for reply within fifth month | |
| | 1401 | 330 | | 2401 | 165 | Notice of Appeal | |
| | 1402 | 330 | | 2402 | 165 | Filing a brief in support of an appeal | |
| | 1403 | 290 | | 2403 | 145 | Request for oral hearing | |
| | 1451 | 1,510 | | 1451 | 1,510 | Petition to institute a public use proceeding | |
| | 1452 | 110 | | 2452 | 55 | Petition to revive - unavoidable | |
| | 1453 | 1,330 | | 2453 | 655 | Petition to revive - unintentional | |
| | 1501 | 1,330 | | 2501 | 655 | Utility issue fee (or reissue) | |
| | 1502 | 480 | | 2502 | 240 | Design issue fee | |
| | 1503 | 640 | | 2503 | 320 | Plant issue fee | |
| | 1460 | 130 | | 1460 | 130 | Petitions to the Commissioner | |
| | 1807 | 50 | | 1807 | 50 | Petitions related to provisional applications | |
| | 1806 | 180 | | 1806 | 180 | Submission of Information Disclosure Stmt | |
| | 8021 | 40 | | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| | 1809 | 770 | | 2809 | 385 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| | 1810 | 770 | | 2810 | 385 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| | 1801 | 770 | | 2801 | 385 | Request for Continued Examination (RCE) | 385 |
| | 1802 | 900 | | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$) 595

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

James F. Hann

Registration No. (Attorney/Agent)

29,719

Telephone

650-712-0340

Signature

Date

01/22/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.17 and 1.37. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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